

**Claim Rejections - 35 U.S.C. § 102**

The Examiner rejected claim 1-6, 8, 10-15, 17, and 19 under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 5,819,092 to Ferguson et al.

Ferguson et al. teaches a visual editing system for creating commercial online computer services. In Figure 3a, Ferguson provides a flow diagram of steps to illustrate how an online designer is used to create an online service.

The Examiner stated:

As per Claim 1.

Ferguson et al ('092) discloses.

(a) displaying a pictorial representation of an existing system including a plurality of components, see figures 3a, 7-13, also column 19, line 42 - Column 20, line 18;

(b) presenting information related to building the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (315,320,330);

(c) conveying information relating to managing the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (317);

(d) presenting information relating to supporting the components of the existing system by indicia coding the components on the pictorial representation, see figure 3a (340, 362).

Applicants respectfully transverse this rejection. Ferguson does not show indicia coding of components on a pictorial representation to convey information relating to building, managing, and supporting components of the existing system as recited in the claims.

For example, steps 315, 320, and 330 of Figure 3a merely show that a document is imported. Steps 315, 320, and 330 do not describe coding components on a pictorial representation to present information related to building the components as recited in step (b) of claim 1. Step 317 describes retrieving a template but does not describe conveying information relating to managing components on a pictorial representation of components as recited in step (c) of claim 1. Steps 340 and 362 describe modifying the appearance of a document but do not

describe coding components on a pictorial representation to present information relating to supporting the components as recited in step (d) of claim 1.

Accordingly, it is believed that the claims fully comply with § 102(e), and withdrawal of this rejection is respectfully requested.

**Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims 7, 9, 16, and 18 under 35 U.S.C. 103(a) as unpatenable over United States Patent No. 5,819,092 to Ferguson et al in view of United States Patent No. 6,323,952 to Blower, Jr. et al.

**Blowers and Ferguson do not teach or suggest the claimed invention**

Blower discloses a method and system for displaying correlations between structural features of a molecule and the biological or physical properties of the molecule. In Fig. 2 Blowers shows a bar graph that uses texture shading.

The Examiner stated:

As per Claim 7.

Ferguson et al ('092) discloses all the limitations of claim 1.

Ferguson et al ('092) does not disclose:

wherein the indicia coding is selected from the group including texture coding, color coding and shading coding.

Blower, Jr. et al ('952) teaches displaying texture, color or shading coding, see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the invention of Ferguson et al ('092) to display texture, color or shading coding as taught by Blower, Jr. et al ('952), see figure 2, for the benefit of distinguishing subsets of data in a summary histogram.

Applicants respectfully transverse this rejection.

Blowers does not teach or disclose indicia coding of components on a pictorial representation to convey information relating to building, managing, and supporting components of an existing system as recited in the claims. The texture shading of Blowers is not used for coding the components on a pictorial representation to present information related to building, managing, and supporting the components as recited in Applicants' claim 1. Accordingly, it is believed that the claims fully comply with § 103(a), and withdrawal of this rejection is respectfully requested.

Blowers is non-analogous art

Applicants also respectfully submit that Blowers is non-analogous art. Section 2141.01(a) of the MPEP states:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also In re Deminski, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem.")

Applicants respectfully submit that Blowers is not in the field of applicant's endeavor and not reasonably pertinent to the particular problem with which the inventors were concerned.

Claim 1 of Applicants' Application for example is directed toward a method for identifying various components of a system for building, management, and support purposes. In contrast, Blowers is directed to a method and system for displaying correlations between structural features of a molecule and the biological or physical properties of the molecule.

Because Blowers deals with the unrelated matter of displaying correlations to molecular properties, Blowers would not logically have commended itself to the inventors' attention in considering the problem of identifying components of the system disclosed in Applicants' Application. Accordingly, it is believed that the claims fully comply with § 103(a), and withdrawal of this rejection is respectfully requested.

There is no motivation to combine Blowers with Ferguson

Even if Blowers is considered a pertinent reference, Blowers and Ferguson do not establish a prima facie case of obviousness because there is no motivation to combine the references. In Ferguson, the items in the Figure 3a for example are already labeled using text labeling and arrows. There is no motivation to combine the texture shading of Blowers' with the visual editing system of Ferguson because the texture shading would be superfluous in view of Ferguson's use of boxes and arrows.

Accordingly, it is believed that the claims fully comply with § 103(a), and withdrawal of this rejection is respectfully requested.

Interview Summary

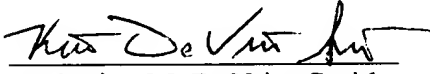
On April 2, 2002, a telephone interview was conducted including Examiner Thomas A. Dixon, Jeff Cook of Merchant & Gould, and Applicant's undersigned representative, Katherine DeVries Smith. Applicants' claim 1, the Ferguson reference, and the Blower reference were discussed, but no agreement was reached. Applicants agreed to submit in writing their arguments about the claim elements that are missing in Ferguson and Blower. The Examiner agreed to consider Applicants' arguments.

Summary

In summary, each of claims 1-19 are in condition for allowance and a notice of allowance is respectfully requested.

Respectfully submitted,  
Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: April 8, 2002

  
Name: Katherine M. DeVries Smith  
Reg. No. 42,157

K:\CLIENTS\08\08567\109US01\UPCAmend.2.doc

